

MINNICK LAW FIRM

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RECEIVED
04 JUN 18 AM 11:36
LEON COUNTY
ATTORNEY'S OFFICE

BRUCE A. MINNICK
JOHN A. MINNICK

June 17, 2004

Herb Thiele, Esq.
Leon County Attorney
301 South Monroe Street
Tallahassee, Florida 32301

Re: Request for reimbursement of attorney fees and costs

Dear Mr. Thiele:

This request for reimbursement of attorney fees and costs is submitted to you in accordance with the provisions of Leon County Policy Number 03-02, as amended.

In that regard I have enclosed a copy of the statement of legal services rendered to Commissioner Rudy Maloy under a written contract entered into between this Firm and Mr. Maloy on May 25, 2004. I believe you have already received a copy of the agreement for legal services.

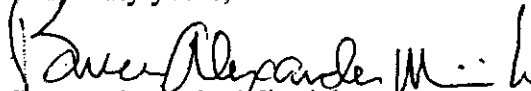
The following information is submitted in accordance with Section 4 of the Policy:

- a. The person making this request is Commissioner Rudy Maloy, through his undersigned counsel; the Firm's current address is shown above.
- b. The entity conducting the investigation was the Jacksonville labor law firm of Coffman, Coleman, Andrews & Grogan, P.A., retained for that express purpose by Leon County on May 25, 2004.
- c. The file number of the investigation is unknown. However, the investigation was completed Friday June 4, 2004, and the Commission took up, accepted and adopted the recommendations of the investigating firm on Tuesday night, June 8, 2004.

Herb Thiele, Esq.
June 17, 2004
Page Two

- d. The claims investigated were allegations of sexual harassment brought to the Commission by its Administrator, Parwez Alam, after his discussion with an employee named Gwen Simmonds; however, according to the findings of the investigative report, Ms. Simmonds herself did not bring nor intend to bring any such charge against Commissioner Maloy.
- e. The dates that the incidents allegedly occurred are completely unknown according to the investigative report. However, the meeting between Parwez Alam and Ms. Simmonds occurred on May 24, 2004, which means that the
- f. Mr. Maloy was and still is an elected Leon County Commissioner.
- g. Mr. Maloy believes he should be reimbursed under this County Policy because he has been exonerated by an independent outside investigation and because the County has adopted the findings and recommendations of the County's investigating firm. Mr. Maloy also believes that he should be reimbursed because many other Commissioners, some now sitting, have been reimbursed for their attorneys fees and costs incurred by them in successfully defending themselves against similar allegations that turned out to be false or unsustainable.
- h. The names and address of the attorneys representing Commissioner Maloy are set forth on the first page of this letterhead.
- i. A copy of the fee agreement between Commissioner Maloy and this Firm was provided earlier, as required. There have been no fees or costs paid to the Firm, and so the balance due is shown on the enclosed statement. The total amount due is \$3,876.87, of which \$3,847.50 is for attorney fees and \$29.37 is for reimbursable costs, as shown on the enclosed statement.
- j. Please note that the actual hourly rate charged is not the \$225 contractual rate agreed. That is because 5.5 hours worked were not included as billable, as shown in the enclosed billing. The actual average hourly rate being charged for all work done is only \$170.24, as shown on page 4 of the statement.

Very truly yours,


Bruce Alexander Minnick

cc: John Alexander Minnick
Commissioner Rudy Maloy

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Attachment # 2
Page 3 of 6

FEIN 59-3347069

Rudy Maloy
2324 Napoleon Bonaparte Drive
Tallahassee FL 32308

Page: 1
June 15, 2004
Client #: 10170-02
Statement No: 1653

Re: Gwendolyn Simmonds

Thank you for retaining the Minnick Law Firm.

Attorney Time and Fees

	Hours	
05/25/04 BAM Telephone call from Rudy Maloy; discuss new allegations as related to him by Parwez Alam; discuss small amount of facts known to Maloy; no written allegations, no written complaint; discuss retention of Minnick Law Firm; draft fee agreement letter and hand deliver to client for approval and signature (.2) no charge.	0.50	0.00
05/26/04 BAM Telephone call from client; newspaper reporters have the story; advise client regarding statements to the press, etc; discuss hiring of Jacksonville law firm by the County to investigate; advise client.	0.30	67.50
BAM Office conference with Client; discuss facts and advise client regarding allegations and new claims; advise client on his responses to the media inquiries; telephone calls from television reporters and newspaper reporters (.3, no charge); meetings in office with client and reporters from the Tallahassee Democrat and TV News Channel 6 (.4 no charge); telephone calls from several third parties having information or knowledge about the new allegations; advise client and prepare for defense of ne charges.	1.80	405.00
05/27/04 BAM Receive and review newspaper article published today in the Tallahassee Democrat; notes to file for follow-up during the investigation (no charge).	0.10	0.00
BAM Office conference with Client; review, discuss and advise client regarding the present status of the evolving allegations; discuss possible people now being called in for interviews; discuss and advise client on strategy of his responses to all allegations; advise client to hit these charges head on, very candidly. Draft outline of brief history of the employment relationship (Ms. Simmonds only employed since March, 2004).	1.90	427.50
BAM Telephone call from Bill Cotterell at Tallahassee Democrat; BC doing another story for tomorrow's paper; telephone call from client; discuss		

Rudy Maloy

Re: Gwendolyn Simmonds

Page: 2
June 15, 2004
Client #: 10170-02
Statement No: 1653

Attachment # 2
Page 4 of 6

	Hours	
Cotterell's story and facts discussed with Cotterell; advise client regarding additional people to get involved (several who know the real story). (No charge)	0.30	0.00
05/28/04 BAM Receive and review newspaper article by Cotterell; e-mail to Bill Cotterell re: the headline does not fit the facts in the story; copy to client. (No charge)	0.10	0.00
BAM Telephone calls (3) from client; discuss newspaper article and investigation; inform client that I am not available to attend his interview until next week; discuss facts learned from several people who have been interviewed; advise client and prepare for interview.	0.90	202.50
BAM Telephone call to Mike Grogan in Jacksonville; left message asking for call-back; telephone call from Mike Grogan; discuss his status and availability to conduct interview of client next week; agree to do it Tuesday June 1, at 10:00 am.	0.30	67.50
BAM Telephone call from Henry Hunter; represented Gwendolyn Simmonds and her mother several years ago; discuss his impressions of this new allegation; get details regarding his possible availability next week. Telephone call to Client; relate HH call. (No charge)	0.20	0.00
BAM Review and prepare for interview next Tuesday; draft notes to the file re: names of persons having information favorable to client; conference with paralegal assistant re: need telephone numbers.	0.60	135.00
05/31/04 BAM (Holiday) Review and prepare for client's interview tomorrow; re-read all notes taken last week from conversations with persons who might be involved and/or having some knowledge about the complainant or her previous employment status. Draft questions to ask investigators designed to identify the person(s) behind these spurious charges.	2.50	562.50
BAM Telephone call from client; discuss overall strategy, questions to expect and questions we need to ask; make plans to meet tomorrow morning before the interview;	0.30	67.50
06/01/04 BAM Telephone call from client; plans to meet changed to snack bar on second floor of the Court House, at 9:00 am. Interview set for 10:00 am.	0.10	22.50
BAM Attend meeting with client, attorney Mike Grogan; Grogan's associate; and Human Resource Director Traci Reed at the Court House (conference room behind the HR department). Assist and advise client throughout his interview; discuss various other persons having knowledge and possible corroboration testimony; suggest that Grogan meet with Kenny Barber and two others; discuss known		

Rudy Maloy

Re: Gwendolyn Simmonds

Page: 3
June 15, 2004
Client #: 10170-02
Statement No: 1653

Attachment # 2
Page 5 of 6

	Hours	
untruths appearing in Simmonds' application as published in the newspaper articles; stress that client has no ill will against Ms. Simmonds; pledge full cooperation with investigation and offer any further assistance or information that may become relevant here.	2.50	562.50
BAM Conference with client following his interview; discuss alternatives and expectations; telephone call to Kenny Barber; inform Barber that Grogan may be trying to reach him for an interview today.	0.50	112.50
BAM Review case files and search for documents requested by Grogan; prepare notes to paralegal re: copies for overnight delivery to Grogan tomorrow;	0.60	135.00
06/02/04 BAM Office conference with Client; discuss information received from PA and others at the County re: Grogan's expected report; discuss alternatives as to how to provide input to the report prior to its release Friday; advise client regarding handling new inquiries from Jeff Burlew; Burlew now doing story about Maloy missing sexual harassment training in 2001 (during the FDLE investigation).	0.50	112.50
06/03/04 BAM Review and prepare lengthy e-mail to Michael Grogan re: the County's specific written procedures and policies to be used whenever handling complaints about Commissioners were clearly not followed here; copy the current policy and facsimile transmission expense to Grogan with copy of e-mail memo attached; copies to client	0.60	135.00
BAM Draft facsimile cover memo to Michael Grogan re: status of the investigation	0.10	22.50
BAM Office conference with Client re: e-mail to Grogan; discuss pros and cons of delivery of same information to PA and Herb Thiele; advise client on public records laws; discuss status of investigation and outcome; advise client not to communicate with Jeff Burlew without good reason; discuss impact of the article published today.	0.40	90.00
06/06/04 BAM Telephone call to Client; report funny incident at GE pool today.	0.10	0.00
06/07/04 BAM Receive and review Grogan's Report and recommendations to the Leon County Commission; Simmonds allegations not sustained.	0.40	90.00
BAM Office conference with Client; advise client regarding expected events at the Commission hearing tomorrow evening; discuss alternatives in Commission does not accept the recommendation; advise client	0.30	67.50

000 9

Rudy Maloy

Re: Gwendolyn Simmonds

Page: 4
June 15, 2004
Client #: 10170-02
Statement No: 1653

Attachment # 2
Page 6 of 6

	Hours	
06/08/04 BAM Travel to and from Leon County Court House for Commission meeting.	0.40	90.00
BAM Attend Commission hearing from 5 pm to 7 pm; awaiting agenda item to be taken up (no charge).	2.00	0.00
BAM Attend Commission meeting and take detailed notes of the comments made by each commissioner in considering action on the Grogan report;	1.90	427.50
BAM Conference with Client immediately after the Commission's vote to deprive Maloy of his right to hire and supervise his personal aide; advise client on possible alternative actions.	0.20	45.00
06/15/04 BAM Review and prepare final bill for services (no charge).	1.20	0.00
BAM Review and prepare for cover letter to Herb Thiele transmitting Client's request for reimbursement for attorney fees and costs incurred in this latest incident. (No charge)	1.00	0.00
For Current Services Rendered	22.60	3,847.50

Recapitulation

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Bruce Alexander Minnick	Managing Attorney	22.60	\$170.24	\$3,847.50

Expenses

05/28/04	Photocopying expense 71 copies at .10)	10.65
06/01/04	Mileage expense: Travel to Leon County Court House and return	3.72
06/01/04	Parking charges: private parking garage (while attending interview; public garage full).	10.00
06/08/04	Parking charges; public parking garage (attending Commission meeting)	5.00
Total Expenses		29.37
Total Current Work		3,876.87
Balance Due		<u>\$3,876.87</u>

Amounts past due over 30 days may be charged interest at 18%.

Amounts Past Due 120 Days Accrue Interest Charges at 18%
Thank you for this opportunity to assist you.

000 9